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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,519	10/31/2003	Robert A. Larson	LR-101US	4220
24314	7590	08/12/2005	EXAMINER	
JANSSON, SHUPE & MUNGER & ANTARAMIAN, LTD			PARSLEY, DAVID J	
245 MAIN STREET			ART UNIT	PAPER NUMBER
RACINE, WI 53403			3643	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/699,519	LARSON ET AL.
	Examiner David J. Parsley	Art Unit 3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 June 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 37-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 37-59 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 October 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Amendment

1. This office action is in response to applicant's amendment dated 6-2-05 and this action is final.

Claim Objections

2. Claim 49 recites the limitations "the net end of the pole" and "the illumination module" in lines 1-2. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 47 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No.

4,839,980 to Hersom.

Referring to claim 47, Hersom discloses a light adapted to be used with fish landing apparatus having a shaft – at 44, comprising an LED – see at 36 and column 1 lines 60-66, a light

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body – at 16,24,26,28, for securing the LED – see figure 1, the light body having a first lengthwise portion – at the threaded portion at the end of 28, adapted for being inserted into the shaft of the fish landing apparatus – see for example figure 1, and having a second lengthwise portion – at the unthreaded portion of 28, with a peripheral edge part – at 38, wider than the shaft and adapted for abutting an end portion of the shaft – see for example figure 1 and column 3 lines 7-26.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37-42, 44, 48 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,077,693 to Wallin in view of U.S. Patent No. 4,839,980 to Hersom.

Referring to claim 37, Wallin discloses a light adapted to be used with fish landing apparatus having a shaft – at 39, and a net – at 40, attached to the shaft – see for example figure 1, a light – at 23, a light body 11-12 and 18-20, for securing the light at a position for illuminating the net – see for example figures 1 and 4, a rotary switch lens – at 7,8,13-22 and the cap on the end of 7-8 as seen proximate 34-35 in figure 4, rotatably attached to the light body – see the threaded connections in figure 4, and having a light passage portion for passing light

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from the light therethrough— see the interior of 13 in figure 4, the light passage portion being one of translucent and transparent — see at 17 and column 1 lines 65-70, and a radially-aligned contact pair — see at 26-33, opened or closed by rotation of the rotary switch lens for on/off switching of electric power to the light — see for example proximate 34-35 in figure 4. Wallin does not disclose the light is an LED. Hersom does disclose the light is an LED — see for example column 1 lines 60-66. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Wallin and add the LED of Hersom, so as to allow for the device to be easily seen at night.

Referring to claim 38, Wallin as modified by Hersom further discloses the light body — at 24-28, has a first lengthwise portion — at the threaded portion of 28, adapted for being inserted into the shaft — at 44, of the fish landing apparatus and has a second lengthwise portion — at the unthreaded portion of 28, with a peripheral edge part — at 38, wider than the shaft — see for example figure 1 of Hersom, the second lengthwise portion being adapted for abutting a distal end of the shaft — see for example figure 1 and column 3 lines 17-26 of Hersom.

Referring to claim 39, Wallin as modified by Hersom further discloses the first lengthwise portion of the light body has an outer surface shape that effects a keying structure — see the threaded portion of 28 proximate 44 in figure 1 of Hersom.

Referring to claim 40, Wallin as modified by Hersom further discloses the light body — at 11-12 and 18-20 of Wallin, has a light-emitting end — see proximate 17 in figure 4, having an interior surface with an annular groove — see figure 4, and wherein the rotary switch lens has an annular ridge structured to fit within the annular groove — see for example at 17 in figure 4.

Referring to claim 41, Wallin as modified by Hersom further discloses a brightness of the LED is set to a level of non-disturbance of a fish – see for example columns 1-3 of Hersom.

Referring to claim 42, Wallin as modified by Hersom further discloses a battery – see at 33 of Wallin.

Referring to claim 44, Wallin as modified by Hersom further discloses a brightness adjuster – see proximate 34-35 in figure 4 of Wallin, structured for changing a light illumination level of the light by rotation of the rotary switch lens – see for example figure 4 of Wallin.

Referring to claim 45, Wallin as modified by Hersom further discloses the brightness adjuster comprises a plurality of rotary switch positions accessed by the rotation of the rotary switch lens – see for example proximate 34-35 in figures 1 and 4 of Wallin, and an illumination level control member – at 34, structured for adapting the light to a plurality of brightness levels corresponding to the plurality of switch positions – see for example figures 1 and 4 of Wallin.

Referring to claims 48 and 58, Wallin discloses a fish landing apparatus comprising, a shaft-like pole – at 7-8, having a handle end – see proximate 35 in figure 4, and a net end – proximate 26 in figure 4, a fish landing net – at 39-40, attached to the net end of the pole – see figure 1, and an illumination module – at 10-35, having a light – at 23, secured therein – see figure 4, and having a rotary switch lens – at 34-35, structured for supplying electrical power to the light, when the rotary switch lens is rotated and for passing light from the light therethrough – see figures 1 and 4, the illumination module being insertable into the net end of the pole – see figures 1 and 4. Wallin does not disclose the light is an LED. Hersom does disclose the light is an LED – see for example column 1 lines 60-66. Therefore it would have been obvious to one of

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ordinary skill in the art to take the device of Wallin and add the LED of Hersom, so as to allow for the device to be easily seen at night.

Referring to claim 49, Wallin as modified by Hersom further discloses the net end of the pole has an interior surface with a key – see proximate 32 in figure 4 of Wallin, the illumination module has an exterior surface with a shape corresponding to the key of the pole – see at 32 in figure 4 of Wallin, whereby the illumination module may only be inserted into the net end of the pole in an orientation aligning with the key – see for example figures 1 and 4 of Wallin.

Referring to claim 57, Wallin as modified by Hersom further discloses a clamp – see at 18-20 or at the end of 12, for attaching the illumination module to the fish landing net – see for example figures 1 and 4.

Referring to claim 59, Wallin discloses a fish landing apparatus comprising, a shaft – at 7-8, having a handle end and a net end – see for example figures 1 and 4, a net – at 39-40, attached to the shaft – see figure 1, an illuminating module – at 10-22 and/or 34-35, inserted into the net end of the shaft, the illuminating module having a light – at 23, lens means – at 13-17 and 22-35, for switching Led power on/off and for passing light from the LED through a transparent or translucent medium – at 17, for illuminating the net – see for example figures 1 and 4. Wallin does not disclose the light is an LED. Hersom does disclose the light is an LED – see for example column 1 lines 60-66. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Wallin and add the LED of Hersom, so as to allow for the device to be easily seen at night.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin as modified by Hersom as applied to claim 42 above, and further in view of U.S. Patent No.

4,922,643 to Everett. Wallin as modified by Hersom does not disclose the battery is disc-shaped. Everett does disclose the battery – at 19 is disc-shaped – see for example column 2 lines 52-64. Therefore it would have been obvious to one of ordinary skill in the art to take device of Wallin as modified by Hersom and add the disc-shaped battery of Everett, so as to allow for the device to be made more compact.

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin as modified by Hersom as applied to claim 37 above, and further in view of U.S. Patent No. 4,809,458 to Tanikuro et al. Wallin as modified by Hersom does not disclose the LED comprises a disc-shaped cartridge. Tanikuro et al. discloses the LED – at 8, comprises a disc-shaped cartridge – see for example figures 1-12. Therefore it would have been obvious to one for ordinary skill in the art to take the device of Wallin as modified by Hersom and add the disc-shaped LED of Tanikuro et al., so as to allow for the device to be made compact and lightweight.

Claims 50-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hersom as applied to claim 48 above, and further in view of U.S. Patent No. 6,000,808 to Hansen.

Referring to claim 50, Wallin as modified by Hersom does not disclose the structure comprises at least one frame member having a surface opposed to the illuminator and having disposed on the surface at least one of reflective tape and reflective coating. Hansen does disclose the structure comprises at least one frame member having a surface opposed to the illuminator – at 121, and having disposed on the surface at least one reflective tape and reflective coating – at 18 or 127 – see for example column 4 lines 15-31. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Wallin as modified by Hersom

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and add the reflective tape or reflective coating of Hansen, so as to make the device more visible to the user.

Referring to claim 51, Wallin as modified by Hersom and Hansen does not disclose the reflective tape or reflective coating contains fluorescent pigment. However, it would have been obvious to one of ordinary skill in the art to take the device of Wallin as modified by Hersom and Hansen and add the reflective tape or coating having fluorescent pigment, so as to allow for the device to be more visible to the user.

Referring to claim 52, Wallin as modified by Hersom and Hansen further discloses an optical filter – at 107,126,127, for filtering light emitted by an excitation of the fluorescent pigment – see for example figures 1-4 of Hansen.

Referring to claim 53, Wallin as modified by Hersom and Hansen further discloses the at least one of reflective tap and reflective coating contains pigment replicating a fish-friendly environment – see for example figures 1-4 and column 4 lines 15-31 of Hansen.

Referring to claim 54, Wallin as modified by Hersom and Hansen further discloses the at least one reflective tape or reflective coating contains a pigment that replicates a fish-friendly environment – see for example figures 1-4 and column 4 lines 15-31 of Hansen.

Referring to claim 55, Wallin as modified by Hersom and Hansen further discloses has a spatial arrangement comprising one of two-dimensional and three-dimensional – see for example figures 1-4 and column 4 lines 15-31 of Hansen.

Referring to claim 56, Wallin as modified by Hersom and Hansen further discloses a light beam shaper – proximate 127, for focusing a light beam emitted form the illuminator on the at

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least one of reflective tap and reflective coating – see for example figures 1-4 and column 4 lines 15-31 of Hansen.

Response to Arguments

5. Applicant's arguments with respect to claims 37-59 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DP
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Patent Examiner
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PETER M. POON
SUPERVISORY PATENT EXAMINER

8/10/05